

REMARKS

Claims 12-33 are pending. By this Amendment, claims 12-22 and 25 are amended, and claims 32 and 33 are added. Reconsideration in view of the above amendments and the following remarks are respectfully requested.

Claims 12-21 were rejected under 35 U.S.C. §112, first paragraph. By this Amendment, the subject phrase (without regard to any conflicting control instructions) has been removed from claim 12, thereby obviating the rejection.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 12-15 and 18-21 were rejected under 35 U.S.C. §103(a) over Repper et al. (U.S. Patent Publication No. 2005/0089809) in view of Hanson (U.S. Patent No. 6,161,506). This rejection is respectfully traversed.

Claim 12 is directed to a gas cooking surface, comprising at least one gas burner, a gas supply coupled to said gas burner for supplying gas thereto, a control device for adjusting the heating capacity stages of said gas burner, said gas burner, depending on said adjusted heating capacity stage, operates in one of a continuous mode in which said gas is supplied continuously to said gas burner or a clocked mode in which said gas burner is supplied with said gas in controlled pulsating manner, said control device including a touch contact for switching between said heating capacity stages, said touch contact controlling said heating capacity stages associated with said continuous mode and also with said clocked mode, and said control device automatically controls said burner to a starting heating capacity stage in which said gas burner operates in said continuous mode when said gas burner is switched on by said touch contact, said control device is set to initially operate said burner in an initial continuous mode of operation upon actuation of the starting touch control switch and to subsequently operate said burner in said continuous mode or said clockwise mode upon further actuation of the touch contact to select either the continuous mode or the clocked mode.

The combination of Repper et al. and Hanson does not teach or disclose this subject matter. In the Office Action, the Examiner takes the position that the burner in Repper et al. always starts in a continuous mode. This position is respectfully traversed since Repper et al. discloses a gas stove configured for direct initial operation in a pulse

modulated simmer mode characterized by intermittent gas application to a burner. The simmer mode of operation is shown by the series of actions identified by reference number 311, as seen in Figures 3a and 3b, i.e., when a simmer level of BTU output is selected by the user, the microcontroller energizes the hot surface igniter, energizes a main solenoid valve, outputs a predetermined PWM level to the appropriate modulating valve, sets the PWM output sequencer to a selected BTU output level, shows the selected burner level in the burner display and leaves the igniter continuously "on" during the entire simmer operation (see page 4, paragraph [0050] of Repper et al.). Even though the igniter is continuously on, the gas is operated in a PWM mode and the burner does not operate in a continuous mode.

The Examiner apparently recognizes that Repper et al. does not operate in a continuous mode upon start up, and relies upon the teachings of Hanson for this disclosure. Specifically, the Examiner relies upon the disclosure at column 8, lines 40-52 of Hanson which specify that when a flame is detected in the combustion chamber by a temperature sensor, UV scanner or other similar sensor, ...the controller may disable the inlet blower and discontinue generating the ignition spark. During this time, the flame is preferably maintained for a minimum time interval sufficient to ensure that the combustion chamber and the combusting/air/fuel mixture therein has been heated to a temperature that will sustain combustion. Following said interval, Hanson presumably carries on with operation in a pulsed or clocked mode.

As both Repper et al. and Hanson disclose gas flames which are operated at intermittent or pulse fashions during normal operation, neither teach or suggest that the control device is set to initially operate the burner in an initial continuous mode of operation upon actuation of the starting touch control switch and to subsequently operate the burner in said continuous mode or said clocked mode upon further actuation of the touch contact to select either the continuous mode or the clocked mode, as set forth in claim 12, and equivalently in method claim 22. The operation in the initial continuous mode of operation avoids any confusion as to whether there may be a fault in the gas burner during an off time of the gas burner in the clocked mode. Starting from the predetermined starting heating capacity stage, the touch contact can switch to the desired

heating capacity stage by a further touch actuation. See page 2, lines 6-12 of the original specification.

Neither Repper et al. nor Hanson teaches or suggests that its burner can operate in either the continuous mode or the clocked mode upon further actuation of the touch contact. Repper et al. and Hanson have no disclosure of being operable in a continuous mode subsequent to the initial continuous mode, or that the continuous or clocked mode is selected upon further actuation of the touch contact.

In addition, neither Repper et al. nor Hanson teaches or suggests that the touch contact includes only a plus button and a minus button to select between and control operation of the gas burner in the continuous mode and the clocked mode, as set forth in claims 32 and 33.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 16 and 17 were rejected under 35 U.S.C. §103(a) over Repper et al. in view of Hanson, and further in view of Damrath et al. (U.S. Patent No. 5,938,425). In addition, claim 19 was rejected under 35 U.S.C. §103(a) over Repper et al. in view of Hanson, and further in view of Frasnetti et al. (U.S. Patent No. 5,924,857). Finally, claims 22-31 were rejected under 35 U.S.C. §103(a) over Repper et al. in view of Hanson and Damrath et al., and further in view of Frasnetti et al. These rejections are respectfully traversed for the reasons cited above in regard to the deficiencies of Repper et al. and Hanson. Damrath et al. and Frasnetti et al. do not make up for the deficiencies.

Reconsideration and withdrawal of the rejection are respectfully requested.

Applicant respectfully requests entry of the present Amendment. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is enclosed.

Respectfully submitted,

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